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4   **UNITED STATES DISTRICT COURT**

5   **DISTRICT OF NEVADA**

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8   BRIAN M. WILSON,   2:07-cv-0616-LDG-VCF

9   Plaintiff,
                                              ORDER
10   v.

11   AARGON AGENCY INC., et al.,

12   Defendants.

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14   Plaintiff Wilson has filed a motion in limine to exclude reference to attorney's motives or

15   attorney's fees (#85, response #87, reply #90). Judges have broad discretion when ruling on

16   motions in limine, see, e.g., Jenkins v. Chrysler Motors Corp., 316 F.3d 663, 664 (7th Cir. 2002),

17   and a district court's ruling on a motion in limine is subject to change, particularly in light of

18   developing trial considerations. See Luce v. United States, 469 U.S. 38, 41-42 (1984). That being

19   said, the clear weight of authority favors exclusion, and the court adopts the reasoning of Brooks

20   v. Cook, 938 F.2d 1048, 1050 (9th Cir. 1991).

21   Defendants have filed a motion to dismiss pursuant to Fed. R. Civ. P. 41(b) and local rule

22   41-1 for want of prosecution (#86, response #91, reply #92). The motion will be denied.

23   However, the parties have yet to comply with the filing of a proposed joint pretrial order. The

24   filing of separate pretrial orders is unacceptable. Local Rules 16-3 and 16-4 provide a mechanism

25   for filing a proposed joint pretrial order even if disagreements as to content and form exist

26   between the parties. The court will order the parties to comply with the rule or face sanctions.
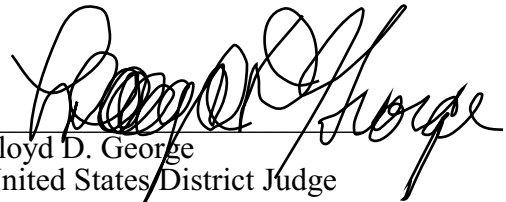
1   Furthermore, plaintiff will be responsible for filing the proposed joint pretrial order after

2   conferencing with defendants.

3   THE COURT HEREBY ORDERS that plaintiff's motion in limine to exclude reference to

4   attorney's motives or attorney's fees (#85) is GRANTED.

5   THE COURT FURTHER ORDERS that defendants' motion to dismiss for want of

6   prosecution (86) is DENIED.

7   THE COURT FURTHER ORDERS that the parties shall have 60 days from the filing of

8   this order in which to file a proposed joint pretrial order, or face sanctions. Plaintiff shall be

9   responsible for filing the proposed joint pretrial order after conferencing with defendants.

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11   Dated this 26 day of March, 2015.

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                                                          Lloyd D. George
14   United States District Judge

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